

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Treehouse Avatar Technologies Inc.,	:	
	:	
Plaintiffs,	:	C.A. No.
	:	
v.	:	
	:	
Turbine, Inc,	:	<b>DEMAND FOR JURY TRIAL</b>
	:	
Defendants.	:	
	:	
	X	

---

**COMPLAINT AND DEMAND FOR TRIAL BY JURY**

Plaintiff Treehouse Avatar Technologies Inc. with a principal place of business at 11 Holland Avenue, Suite 608, Ottawa ON, K1Y 4S1, Canada (“Treehouse”), alleges the following for its complaint against defendant Turbine, Inc. (“Turbine”), a company with offices at 60 Glacier Drive., Suite 4000, Westwood, MA 02090 and incorporated in the state of Delaware:

**NATURE OF THE SUIT**

1. This is a civil action for infringement of United States Patent No. 8,180,858. This action arises under the laws of the United States related to patents, including 35 U.S.C. § 281.

**PARTIES**

2. Treehouse Avatar Technologies Inc. is a corporation organized and existing under the laws of Canada, having its principal place of business at 11 Holland Avenue, Suite 608, Ottawa ON, K1Y 4S1, Canada.

3. Upon information and belief, defendant Turbine, Inc. is incorporated in the State of Delaware, with a principal place of business at 60 Glacier Drive., Suite 4000, Westwood, MA 02090. Turbine, Inc. may be served via its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

### **JURISDICTION AND VENUE**

4. Subject matter jurisdiction is conferred upon this Court under 28 U.S.C. § 1338(a) because this action is for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

6. Upon information and belief, Turbine is subject to this Court's specific and general personal jurisdiction due at least to its incorporation in this state, regularly doing or soliciting business in this judicial district and committing at least a portion of the infringements alleged herein in this judicial district.

### **BACKGROUND**

7. United States Patent No. 8,180,858 ("the '858 Patent"), entitled "Method And System For Presenting Data Over A Network Based On Network User Choices And Collecting Real-Time Data Related To Said Choices," was duly and lawfully issued on May 15, 2012, based upon an application filed by the inventors, Ian N. Robb, Michael B. Madlener, and Ken J. McGuire. A copy of the '858 Patent is attached as Exhibit A.

8. The owner of the '858 Patent, by assignment, is Treehouse, who has the right to sue and recover damages for infringement thereof.

**CLAIM FOR RELIEF**

**Patent Infringement Of United States Patent No. 8,180,858**

9. All of the foregoing allegations are restated and incorporated by reference as though fully set forth herein.

10. Turbine is engaged in the design, manufacture, marketing and sale of online games in the United States generally and in the District of Delaware.

11. Specifically, Turbine is the creator and operator of online games, including Dungeons & Dragons Online and The Lord of the Rings Online, which are some of the most popular online games available today.

12. Turbine's Dungeons & Dragons Online and The Lord of the Rings Online are character-enabled.

13. Turbine's Dungeons & Dragons Online and The Lord of the Rings Online have character-attribute data linked with one or more character data.

14. Turbine's Dungeons & Dragons Online and The Lord of the Rings Online tally the number of times selected character attribute(s) have been selected by a plurality of users.

15. Turbine is in violation of 35 U.S.C. § 271(a) and has been and continues to directly infringe at least claim 1 of the '858 Patent literally or under the doctrine of equivalents by designing and operating Dungeons & Dragons Online and The Lord of the

Rings Online games, which includes the feature of tallying the number of times the selected character attribute(s) have been selected by users of the game.

16. Treehouse has been damaged by the infringement of Turbine and is suffering and will continue to suffer, irreparable harm and damage as a result of this infringement unless such infringement is enjoined by this Court.

17. Turbine is hereby on notice of the '858 Patent and Turbine's postfiling acts of infringement will be willful and deliberate. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285.

18. Treehouse has no adequate remedy at law.

#### **REQUESTED RELIEF**

WHEREFORE, Treehouse demands judgment as follows:

- A. An order adjudging Turbine to have infringed the '858 Patent;
- B. A permanent injunction enjoining Turbine with its respective officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them who receive actual notice of the order by personal service or otherwise, from infringing the '858 Patent;
- C. An award of damages adequate to compensate Treehouse for the infringement by Turbine along with pre-judgment and post-judgment interest, but in no event less than a reasonable royalty, such damages to be trebled pursuant to the provision of 35 U.S.C. § 284;
- D. An award of Treehouse's reasonable attorneys' fees and expenses pursuant to the provisions of 35 U.S.C. § 285;

- E. An award of Treehouse's costs; and
- F. Such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38(b), Treehouse hereby demand a jury trial on all issues so triable raised in this action.

October 9, 2012

BAYARD, P.A.

Of Counsel:

Stephen F. Roth  
Aaron S. Eckenthal  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, NJ 07090-1497  
(908) 654-5000  
sroth@ldlkm.com  
aeckenthal@ldlkm.com

/s/ Stephen B. Brauerman  
Richard D. Kirk (rk0922)  
Stephen B. Brauerman (sb4952)  
Vanessa R. Tiradentes (vt5398)  
222 Delaware Avenue, Suite 900  
P.O. Box 25130  
Wilmington, DE 19899  
(302) 655-5000  
rkirk@bayardlaw.com  
sbrauerman@bayardlaw.com  
vtiradentes@bayardlaw.com

*Attorneys for Plaintiff Treehouse Avatar  
Technologies Inc.*